

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER:

RAMONA DEL VALLE BURGOS

Debtor(s)

FIRSTBANK PUERTO RICO

Movant

CASE NO.: 19-04647 (ESL)

CHAPTER 13

(X) An action against the State
under Title 11 USC §1307(c) (1) and
§1307(c) (6), Title 11 USC §1326

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Movant, **FIRSTBANK PUERTO RICO**, through its undersigning attorney, and very respectfully ALLEGES, STATES and PRAYS:

1. This Honorable Court have jurisdiction under Title 28 USC §1334, and venue under Title 28 USC §1408, and particularly regarding this matter under Title 11 USC §1307(c) (1), (4) and (6), on Conversions and Dismissals, and Title 11 USC §1326, on Payments.

2. Debtor filed a bankruptcy case under chapter 13 back on August 16, 2019. See, Bkcy Dck no 1.

3. MOVANT, standing to address this court is ascertained as filed a secured proof of claim to a personal security loan for \$16,338.61 under account no 9950. See, Clm Reg. 2.

4. As of to March 15, 2021 debtor(s) already had the following installments owed to the chapter 13 Trustee: \$1,200.00, for TWO (2) months in arrears. See, Attachment A.

5. Under the terms of the confirmed plan dated November 4, 2019 debtor(s) should have started to make continues payments since September 16, 2019, and as evidenced herein, the debtor(s) have failed to do so. See, Bkcy Dck no 30 and 33.

6. Pursuant to the Service Members Civil Relief Act: - the data banks of the Department of the Defense Manpower Data Center confirmed that the debtor(s) is (are) not member(s) of the Uniformed Services (US Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health, and Cost Guard.) See, Attachment B.

For the reasons stated above, MOVANT respectfully request from this Court to enter an order dismissing the present case pursuant Title 11 USC §1307(c)(1) on ~~Unreasonable delay by debtor that is prejudicial to Creditors, (5) denial of confirmation of a plan under 1325 of this title and denial of a request made~~

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~~for additional time for filing another plan or a modification of a plan, 11 USC §1326 (a) (1) Unless the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed, payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, and (6) on Material default by the debtor with respect to a term of a confirmed plan, and Title 11 USC §1324 (b) on hearing of confirmation that shall to be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341 (a).~~

The aforementioned request of dismissal is based on congressional intent to prevent bankruptcy abuse

NOTICE

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

Puerto Rico Local Bankruptcy Rule 9013-1(h)

In San Juan, Puerto Rico, on March 18, 2021

CERTIFICATE OF SERVICE

I hereby certify that a copy was served by CM/ECF at the authorized address: - to all creditors, - to Atty. Alejandro Oliveras // Atty. José Carrión Morales, as Chapter 13 Trustee, and - to the attorney of the debtor(s) ROBERTO FIGUEROA CARRASQUILLO, and to debtor(s) by regular mail at the address on record, RAMONA DEL VALLE BURGOS, at PO BOX 375412, CAYEY, PUERTO RICO 00737.

BY: /s/ María M. Benabe Rivera
María M. Benabe Rivera
Attorney for Movant - US - DC 208906
Maricarmen Colón Díaz - US - DC 211410
FIRSTBANK Puerto Rico
Centro de Servicios al Consumidor - Código 248
1130 Muñoz Rivera Ave., Rio Piedras, P R
PO Box 9146, San Juan, PR 00908-0146
maria.benabe@firstbankpr.com
(787)729-8135 / (787)729-8276 / [Rev.3/2021]

FIRSTBANK

Analysis Sheet to Determine Arrears to Trustee

In Re	: Ramona del Valle Burgos
Case Number	: 19-04647 ESL / AOR
Account Number	: 9950 (AUTO)
Date of File	: 08/16/19
Amount of Proof of Claim	: 16,338.61
Plan	: 250 x 6 (1,500) 550 x 54 (29,700)
Monthly Payment of	: 550
Pass term	: 19
Total paid into plan	: 7,550.00
Should have paid in	: 8,650.00
Amount in Arrears	: 1,100.00 (2 arrears)
Printed on	: 03/15/2021
Prepared by	: Marisol Matos

Attachment A

PRINT INQUIRY

[Close Window](#)

[Click Here to Print this Page](#)



19-04647-ESL

RAMONA DEL VALLE BURGOS

\$550.00 MO

Bar Date(s):

10/25/2019 (has passed) 2/12/2020 (has passed)

Confirmed:

11/7/2019

Case Status:

ACTIVE-1ST AUDIT

Trustee: ALEJANDRO OLIVERAS RIVERA

Attorney: ROBERTO FIGUEROA CARRASQUILLO*

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
9/15/2019	6.00	\$250.00	MONTHLY	RAMONA DEL VALLE BURGOS	8/23/2019	
3/15/2020	54.00	\$550.00	MONTHLY	RAMONA DEL VALLE BURGOS	8/23/2019	
9/15/2024	end of plan	\$0.00	MONTHLY	RAMONA DEL VALLE BURGOS	8/23/2019	

Forgive Information

Date	Amount	Description
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Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	9/15/2019	10/14/2019	\$250.00	\$250.00
2	10/15/2019	11/14/2019	\$250.00	\$500.00
3	11/15/2019	12/14/2019	\$250.00	\$750.00
4	12/15/2019	1/14/2020	\$250.00	\$1,000.00
5	1/15/2020	2/14/2020	\$250.00	\$1,250.00
6	2/15/2020	3/14/2020	\$250.00	\$1,500.00
Total				\$1,500.00

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	3/15/2020	4/14/2020	\$550.00	\$550.00
2	4/15/2020	5/14/2020	\$550.00	\$1,100.00
3	5/15/2020	6/14/2020	\$550.00	\$1,650.00
4	6/15/2020	7/14/2020	\$550.00	\$2,200.00
5	7/15/2020	8/14/2020	\$550.00	\$2,750.00
6	8/15/2020	9/14/2020	\$550.00	\$3,300.00
7	9/15/2020	10/14/2020	\$550.00	\$3,850.00
8	10/15/2020	11/14/2020	\$550.00	\$4,400.00
9	11/15/2020	12/14/2020	\$550.00	\$4,950.00
10	12/15/2020	1/14/2021	\$550.00	\$5,500.00
11	1/15/2021	2/14/2021	\$550.00	\$6,050.00
12	2/15/2021	3/14/2021	\$550.00	\$6,600.00
13	3/15/2021	4/14/2021	\$550.00	\$7,150.00
14	4/15/2021	5/14/2021	\$550.00	\$7,700.00
15	5/15/2021	6/14/2021	\$550.00	\$8,250.00
16	6/15/2021	7/14/2021	\$550.00	\$8,800.00
17	7/15/2021	8/14/2021	\$550.00	\$9,350.00
18	8/15/2021	9/14/2021	\$550.00	\$9,900.00
19	9/15/2021	10/14/2021	\$550.00	\$10,450.00
20	10/15/2021	11/14/2021	\$550.00	\$11,000.00
21	11/15/2021	12/14/2021	\$550.00	\$11,550.00
22	12/15/2021	1/14/2022	\$550.00	\$12,100.00
23	1/15/2022	2/14/2022	\$550.00	\$12,650.00
24	2/15/2022	3/14/2022	\$550.00	\$13,200.00
25	3/15/2022	4/14/2022	\$550.00	\$13,750.00
26	4/15/2022	5/14/2022	\$550.00	\$14,300.00
27	5/15/2022	6/14/2022	\$550.00	\$14,850.00
28	6/15/2022	7/14/2022	\$550.00	\$15,400.00

29	7/15/2022	8/14/2022	\$550.00	\$15,950.00
30	8/15/2022	9/14/2022	\$550.00	\$16,500.00
31	9/15/2022	10/14/2022	\$550.00	\$17,050.00
32	10/15/2022	11/14/2022	\$550.00	\$17,600.00
33	11/15/2022	12/14/2022	\$550.00	\$18,150.00
34	12/15/2022	1/14/2023	\$550.00	\$18,700.00
35	1/15/2023	2/14/2023	\$550.00	\$19,250.00
36	2/15/2023	3/14/2023	\$550.00	\$19,800.00
Total				\$19,800.00

Payments Expected for Step 3:

Period	Start Date	End Date	Payment Amount Expected	Total
1	9/15/2024	10/14/2024	\$0.00	\$0.00
Total				\$0.00

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	9/2019	\$250.00	\$250.00		\$0.00
2	10/2019	\$250.00	\$250.00		\$0.00
3	11/2019	\$250.00	\$250.00		\$0.00
4	12/2019	\$250.00	\$250.00		\$0.00
5	1/2020	\$250.00	\$250.00		\$0.00
6	2/2020	\$250.00	\$250.00		\$0.00
7	3/2020	\$550.00	\$250.00		\$300.00
8	4/2020	\$550.00			\$850.00
9	5/2020	\$550.00	\$1,400.00		\$0.00
10	6/2020	\$550.00	\$550.00		\$0.00
11	7/2020	\$550.00	\$550.00		\$0.00
12	8/2020	\$550.00	\$550.00		\$0.00
13	9/2020	\$550.00	\$550.00		\$0.00
14	10/2020	\$550.00	\$550.00		\$0.00
15	11/2020	\$550.00	\$550.00		\$0.00
16	12/2020	\$550.00	\$550.00		\$0.00
17	1/2021	\$550.00			\$550.00
18	2/2021	\$550.00			\$1,100.00
19	3/2021	\$550.00	\$550.00		\$1,100.00

Total Delinquent Amount: \$1,100.00



Department of Defense Manpower Data Center

Results as of : Mar-18-2021 02:52:02 PM

SCRA 5.7



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-0366
 Birth Date: Jan-XX-1962
 Last Name: DEL VALLE BURGOS
 First Name: RAMONA
 Middle Name:
 Status As Of: Mar-18-2021
 Certificate ID: XJHXC85ZGZZ2XRP

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

Attachment B

Label Matrix for local noticing
0104-3
Case 19-04647-ESL13
District of Puerto Rico
Old San Juan
Mon Mar 15 13:58:45 AST 2021

ORIENTAL BANK CCU
CCU BANKRUPTCY DEPARTMENT
PO BOX 364745
SAN JUAN, PR 00936-4745

Autoridad de Energia Electrica
PO Box 363508
San Juan, PR 00936-3508

Citibank, N.A.
5800 S Corporate Pl
Sioux Falls, SD 57108-5027

Firstbank Puerto Rico
PO Box 11856
San Juan, PR 00910-3856

ORIENTAL BANK
BANKRUPTCY DEPT
PO BOX 364745
SAN JUAN, PR 00936-4745

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Synch/ccppby
C/o
PO Box 965036
Orlando, FL 32896-5036

Synch/walmart
PO Box 965024
Orlando, FL 32896-5024

MONSITA LECAROS ARIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

FIRSTBANK PR
PO BOX 9146
SAN JUAN, PR 00908-0146

ORIENTAL BANK-AUTOS
DE DIEGO LAW OFFICES, PSC
PO BOX 79552
CAROLINA
CAROLINA, PR 00984-9552

Citi
PO Box 6190
Sioux Falls, SD 57117-6190

Coop A/C La Cidrena
PO Box 1490
Cidra, PR 00739-1490

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Oriental Bank-Autos
PO Box 79552
Carolina, PR 00984-9552

REINALDO L. MALDONADO VELEZ
COSVI OFFICE COMPLEX
ESQ. AVE. AMERICO MIRANDA 400
EDIFICIO ORIGINAL LOCAL B
RIO PIEDRAS, PR 00927

Synch/jcp
PO Box 965007
Orlando, FL 32896-5007

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk VA 23541-1021

RAMONA DEL VALLE BURGOS
PO BOX 375412
CAYEY, PR 00737-5412

(p)JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

Citi
PO Box 6217
Sioux Falls, SD 57117-6217

FIRST BANK
CONSUMER SERVICE CENTER
BANKRUPTCY DIVISION (CODE 248)
PO BOX 9146,SAN JUAN,PR 00908-0146

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

PREPA - BANKRUPTCY OFFICE
PO BOX 364267
SAN JUAN PR 00936-4267

Sears/Cbna
PO Box 6217
Sioux Falls, SD 57117-6217

Synch/oldnav
PO Box 965005
Orlando, FL 32896-5005

ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS CHAPTER 13 TRUS
PO BOX 9024062
SAN JUAN, PR 00902-4062

ROBERTO FIGUEROA CARRASQUILLO
PO BOX 186
CAGUAS, PR 00726-0186

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Jefferson Capital Systems LLC
PO Box 7999
St Cloud, MN 56302-9617

Internal Revenue Service
PO Box 21126
Philadelphia, PA 19114-0326

(d)JEFFERSON CAPITAL SYSTEMS LLC
PO Box 7999
St Cloud MN 56302

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

End of Label Matrix
Mailable recipients 29
Bypassed recipients 0
Total 29